

REMARKS

Claims 6-8 and 21-37 are pending in the present application. Claims 6, 8 and 22 have been amended as set forth above. Claims 23-37 are canceled without prejudice to avoid additional government fees. Claims 38-53 are newly added. Reconsideration of this application is respectfully requested.

Amendments to the Specification

Paragraph [0006] has been amended as set forth above to correct the duplicate use of reference "302." Reference "305" has been provided to refer to the openings.

Paragraph [0021] has been amended as set forth above to clarify support for the exposed layer of the substrate and correct the duplicate use of reference "402" of the openings, which has been replaced with "405." No new matter is added thereby. Support for these amendments can be found at, for example, paragraphs [0003], [0006] and [0021], Figs. 1, 3b and 4b, and Claims 6 and 8 of the application as filed.

Objections to Drawings/Amendments to the Drawings

Fig. 1 has been amended to include tie lines connecting reference numerals 102, 104, 106, 108, 110 and 112 to respective layers shown in Fig. 1. Fig. 3a has been amended to replace reference numeral "302" with reference numeral "305." Fig. 3b has been amended to add the lead line connecting reference numeral "312" to the shoulder described in paragraph [0008], instead of to the sealant. Fig. 4a has been amended to replace reference numeral "402" with "405." Further, Figs. 1-3 have been amended to include the legend "PRIOR ART." Reconsideration and withdrawal of drawing objections set forth in paragraphs 7 and 8 of the Action are respectfully requested.

The Action also objects to the drawings for failing to show the claimed feature "second material/passivation/dielectric layer" in the specification. As discussed in detail below in connection with the § 112 rejection of the claims, the drawings show the substrate 402, which includes an OLED pixel having one or more layers, such as the protective dielectric material

layer 112, formed on the substrate as shown in Fig. 1. Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Claim Rejections under 35 U.S.C. § 112

The Action rejects Claims 6-8, 21 and 22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Action states that the feature “second material layer” cited in Claims 6, 8 and 22 is not supported by the specification. Independent Claim 6 has been amended to recite that the pixel is formed by one or more layers of material which are formed over a first substrate, that the first material layer is formed over the pixel, and that the first material layer comprises a plurality of parallel openings formed therethrough to expose a surface of the pixel. It is submitted, therefore, that the rejection under § 112 is overcome. Still further, these new features are supported by the original application as discussed below.

Paragraph [0021] has been amended as set forth above to recite that “the device substrate 402 comprises the organic EL display device, which comprises, for example, the OLED multi-layer pixel structure as shown in Fig. 1.” Fig. 1 and paragraph [0003] show that a protective dielectric material layer or structure 112, which serves as a passivation layer, is deposited on top of the cathode layer 110. Original paragraph [0021] states that Figs. 4a-4c show the sealant region of “an organic EL display device,” i.e., the sealant region is formed over the organic EL display device. As described in the present application, an organic EL display device comprises an OLED pixel as shown in Fig. 1 and at least one transistor to drive the OLED pixel. Paragraph [0003] also provides such support by stating that a display panel has a plurality of OLED pixels which are driven by transistors. One of ordinary skill in the art would have understood from the specification and Fig. 1 that the device structure 402 comprises a pixel structure. Therefore, one of ordinary skill would have recognized from the original application that the inventor possessed the invention as now claimed at the time the application was filed, and no new matter is added by the amendment to paragraph [0021].

Further support for these amendments can be found at, for example, paragraph [0006] and original Claims 6 and 8. Original paragraph [0006] describes the device substrate 302

shown in Fig. 3b, stating that the organic polymer material formed on top of the passivation layer in the opening 305 is removed so that the substrate having the passivation layer 112 is exposed. Accordingly, the passivation layer 112 is a layer of the pixel of the device substrate 302 which is exposed after formation of openings 305. Based on Applicant's disclosure, one skilled in the art would have understood that the device substrate 402 has a pixel structure formed thereon like the device substrate 302. The openings 405 shown in Fig. 4a expose a surface of the pixel structure over the device substrate 402. Accordingly, amendments to Claim 6 have support.

Claim 8 has been amended to recite that the exposed surface of the pixel comprises a passivation layer. As set forth above, the passivation layer 112 is a layer of the pixel of the device substrate 302 which is exposed after formation of openings 305. Thus, the amendments to Claim 8 have support.

The Action also rejects Claims 6-8, 21 and 22 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. It is submitted that amended Claim 6 clearly recites a relationship between the device substrate, pixel and first material layer. For example, amended Claim 6 states that the pixel is formed by one or more layers of material which are formed over a first substrate, that the first material layer is formed over the pixel, and that the first material layer comprises openings formed therethrough to expose a surface of the pixel.

The Action also rejects Claim 6 because the phrase "plurality of parallel openings in a first material" in Claim 6 was considered unclear by the Examiner. Claim 6 has been amended to recite "the first material layer comprising a plurality of parallel openings formed therethrough".

M.P.E.P § 2173.02 provides that the test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim

is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Further, in *Energizer Holdings v. ITC*, 435 F.3d 1366, 1370 (Fed. Cir. 2006), the Court of Appeal for the Federal Circuit has stated,

Claim definiteness is analyzed "not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art." *In re Moore*, 58 C.C.P.A. 1042, 439 F.2d 1232, 1235 (CCPA 1971). ...

A claim that is amenable to construction is not invalid on the ground of indefiniteness. In *Exxon Research & Engineering*, 265 F.3d at 1375, the court stated that "if the meaning of the claim is discernible, even though the task may be formidable and the conclusion may be one over which reasonable persons will disagree, we have held the claim sufficiently clear to avoid invalidity on indefiniteness grounds." See also *Novo Indus., L.P. v. Micro Molds Corp.*, 350 F.3d 1348, 1353 (Fed. Cir. 2003) (determining whether claim is "amenable to construction"); *Honeywell Int'l, Inc. v. Int'l Trade Comm'n*, 341 F.3d 1332, 1338 (Fed. Cir. 2003) (a claim is not indefinite because it is hard to construe). Here, it is apparent that the claim can be construed.

As conceded by the Examiner, the "plurality of openings in a first material layer" is supported in the specification. As amended above, the organic polymer layer 404, i.e., the first material layer, has stripes of narrow openings 405 processed thereon. The feature is also supported by Fig. 4a. Further, Figs. 4b and 4c are cross-sectional views of Fig. 4a taken along lines x' and x, respectively. Based on the specification and figures, one of ordinary skill in the art would understand the claimed feature "the first material layer comprising a plurality of parallel openings formed therethrough". In addition, the opening within the spacers 406 and above the organic polymer layer 404 (stated in the Action) is not the openings, i.e., the openings 405, recited in Claim 6. Thus, one skilled in the art would understand what is claimed based on the specification.

Accordingly, reconsideration and withdrawal of the § 112 rejections are respectfully requested.

Newly added claim

Claims 38 and 39 have been added to recite the same features of canceled Claims 24 and 26, respectively.

Newly added independent Claims 40 and 44 recite features as set forth above to include substantially all of the features of Claim 6. Further, Claims 40 and 44 also recite “at least one transistor coupled to the device substrate for driving the pixel.” This feature is supported by, for example, paragraph [0003] in which the OLED pixel is fabricated over the substrate material 102 and the OLED pixel is driven by a transistor and by paragraph [0020] which clearly states that the structure is related to the effective sealing of an encapsulating shield substrate over the “organic EL display panel.” As discussed above, a display panel comprises a plurality of OLED pixels. No issue of new matter is raised.

Claims 41-43 and 45-48 recite the same features of canceled Claims 24-26, 33-35 and 37, respectively. Support for Claim 49 can be found at Fig. 5, for example. Fig. 5 shows a portion of an interlaced opening.

Claims 50-53 have been added. Support for the features recited in Claims 48-51 can be found at, for example, paragraphs [0020]-[0022] and Fig. 4a.

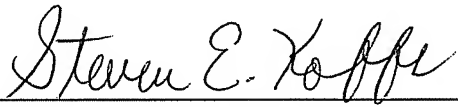
Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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